

REMARKS

Claims 17, 18, 20 and 21 are pending in the application. Claims 17, 18, 20 and 21 are rejected by the Examiner.

Claims 17, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newsome (4,457,960) in view of Lai et al. (5,272,236) and further in view of Wilhoit (5,283,128).

It is the Examiner's position based on the Newsome and Lai references that it would have been obvious to one skilled in the art to substitute the polymer described in Lai in the film structure described in Newsome. It is also the Examiner's position that irradiation of similar film material to that of Newsome is taught by the Wilhoit reference. A complete discussion of the Examiner's position regarding the above rejection is found in paper 29.

With respect to the rejection under 35 U.S.C. §103(a) of claims 17, 18, 20 and 21 as being unpatentable over Newsome in view of Lai and further in view of Wilhoit, Applicants respectfully submit that the claims distinctly define the present invention from any of the art of record taken singly or in combination, in view of the remarks presented earlier in Applicants' response mailed March 31, 2003 and in view of the Declaration under 1.132 of Dr. Keith Lind, which is part of this filing. The declaration discusses in great detail the numerous factors which must be considered in the design of a specific film structure. The declaration further discusses the chemical and physical distinctions between the two linear low density polyethylenes.

It is Applicants' position, therefore, that in view of Applicants' remarks regarding the patentability of the present invention over the art and the Declaration of Dr. Keith Lind, the rejections under 35 U.S.C. §103 have been overcome.

Claims 17, 18, 20 and 21 are rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Newsome (4,457,960) in view of Schut "Enter a New Generation of Polyolefins" Nov. 1991, Plastics Technology, or Van der Sanden "A New Family of Linear Ethylene Polymers With Enhanced Sealing Performance" February 1992, and further in view of Wilhoit (5,283,128).

The Newsome and Wilhoit references have been discussed above.

The Schut reference discloses polyethylenes made using different single-site catalysts. The Schut reference further discloses that these polyethylenes, depending on the process and single-site catalyst used can produce, polyethylenes having usefulness in many different applications. The Schut reference does not teach or suggest Applicants' multilayer, irradiated film having the Applicants' particular configuration.

The Van der Sanden reference discloses linear ethylene polymer having lower seal initiation temperatures, toughness and strength. There is no disclosures in Van der Sanden of the flow rate ratio of the single site catalyst polymers, nor of any favorable results that arise from the use of ethylene alpha-olefin copolymers formed from a polymerization reaction in the presence of a single-site catalyst having range of molecular weight distribution and flow rate ratio contained in the amended claims. Additionally, while Van der Sanden teaches the favorable property of narrow molecular weight distribution, it does not teach the particular range recited in the amended claims or the use of the ethylene alpha-olefin copolymer in Applicants particular film structure.

Applicants' respectfully submit that in view of the above remarks and the Declaration of Dr. Keith Lind, this rejection has been overcome.

Claims 17, 18, 20 and 21 are provisionally rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4-13, 15, 16 and 21 of copending Application No. 08/899,410.

With respect to the rejection of claims 17, 18, 20 and 21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4-13, 15, 16 and 21 of copending Application no. 08/899,410, Applicants would be willing to consider submitting a Terminal Disclaimer to overcome this rejection after the remaining rejections have been withdrawn and upon receiving an indication of allowable subject matter.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance.

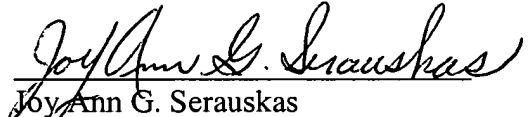
If, however, any outstanding issues remain, Applicants urge the Patent Office to telephone Applicants' agent so that the same may be resolved and the application expedited to issue.

Applicants request the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

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